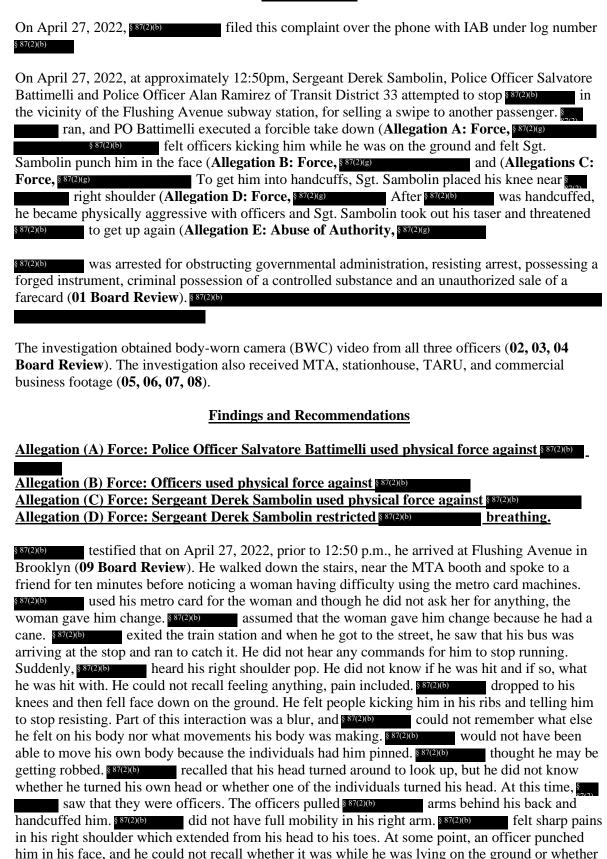
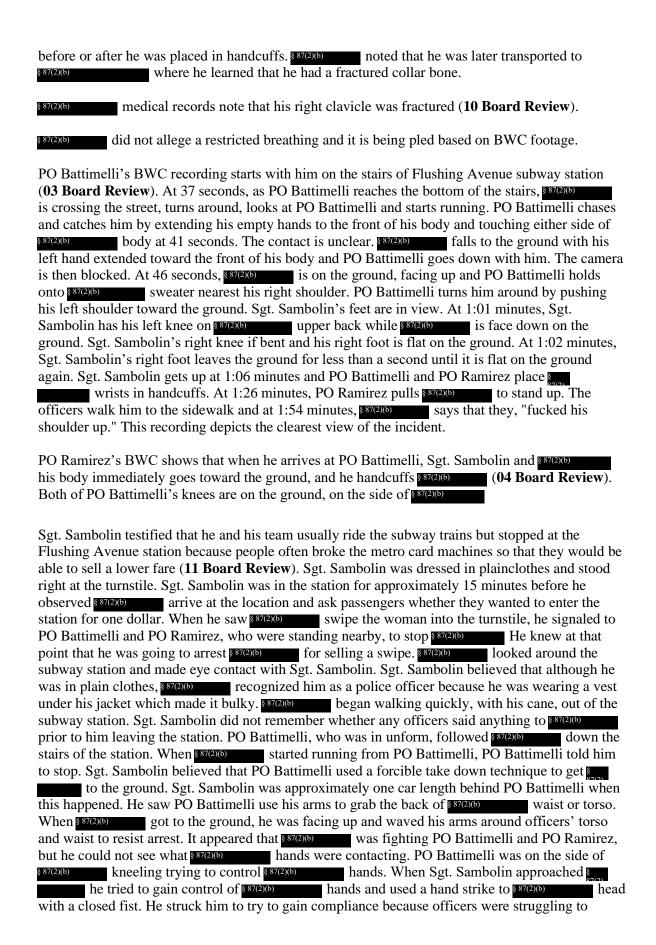
CCRB INVESTIGATIVE RECOMMENDATION

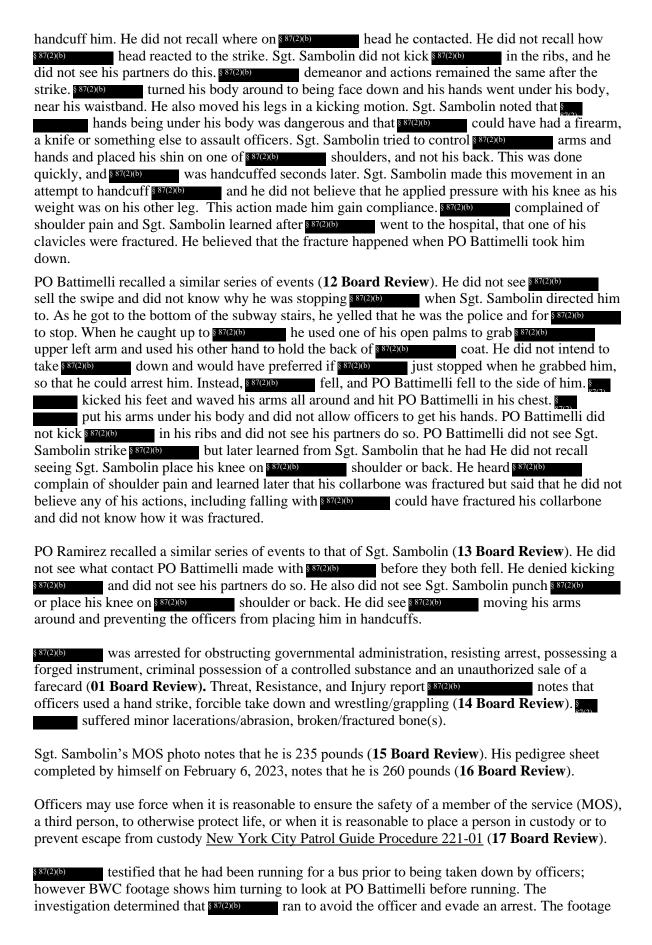
Investigator:		Team:	CCRB Case #:	✓ Force	☐ Discourt.	U.S.
Tileyah Williams		Squad #06	202202837	☑ Abuse	O.L.	Injury
Incident Date(s)		Location of Incident:	<u>l</u>	Precinct:	18 Mo. SOL	EO SOL
Wednesday, 04/27/2022 12:50 PM		Broadway and Flushing		90	10/27/2023	10/27/2023
Date/Time CV Reported		CV Reported At:	How CV Reported	Date/Tim	e Received at CC	RB
Wed, 04/27/2022 4:45 PM		IAB	Phone	Thu, 05/0	5/2022 10:21 AM	1
Complainant/Victim	Type	Home Addre	ess	·		
Subject Officer(s)	Shield	TaxID	Command			
1. PO Salvatore Battimelli	18616	968268	TD 33			
2. SGT Derek Sambolin	02201	943771	TD 33			
3. Officers						
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. PO Alan Ramirez	11241	966291	TD 33			
2. LT Thomas Marco	00000	918589	TD 33			
Officer(s)	Allegatio	on		Inv	estigator Recon	nmendation
A.PO Salvatore Battimelli		Force: Police Officer Salvatore Battimelli used physical force against § \$7(2)(0)				
B. Officers		Force: Officers used physical force against \$87(2)(6)				
C.SGT Derek Sambolin	Force: Se § 87(2)(b)	Force: Sergeant Derek Sambolin used physical force against \$87(2)(b)				
D.SGT Derek Sambolin		Force: Sergeant Derek Sambolin restricted breathing.				
E.SGT Derek Sambolin		Abuse: Sergeant Derek Sambolin threatened \$87(2)(6)				

Case Summary

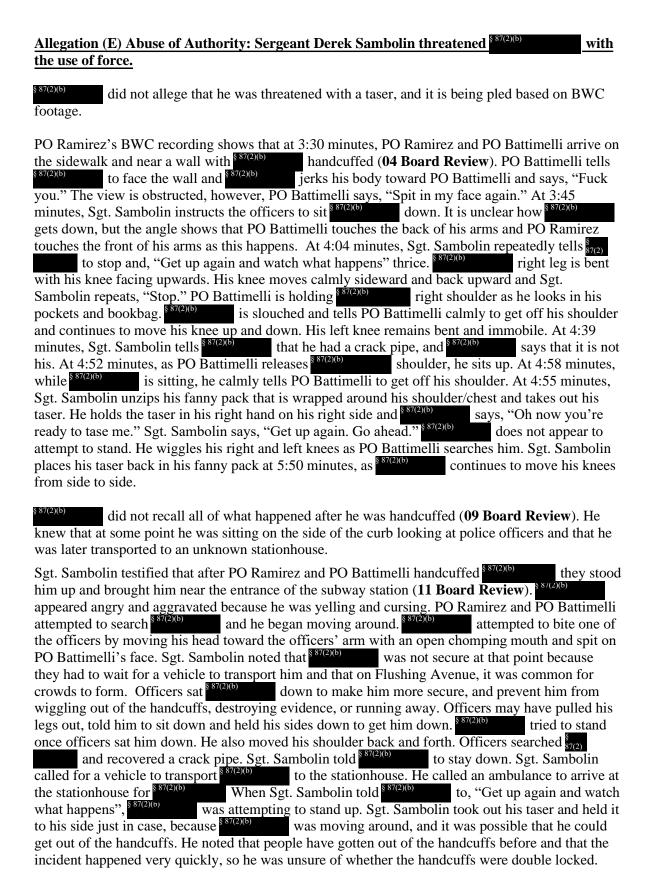


it was

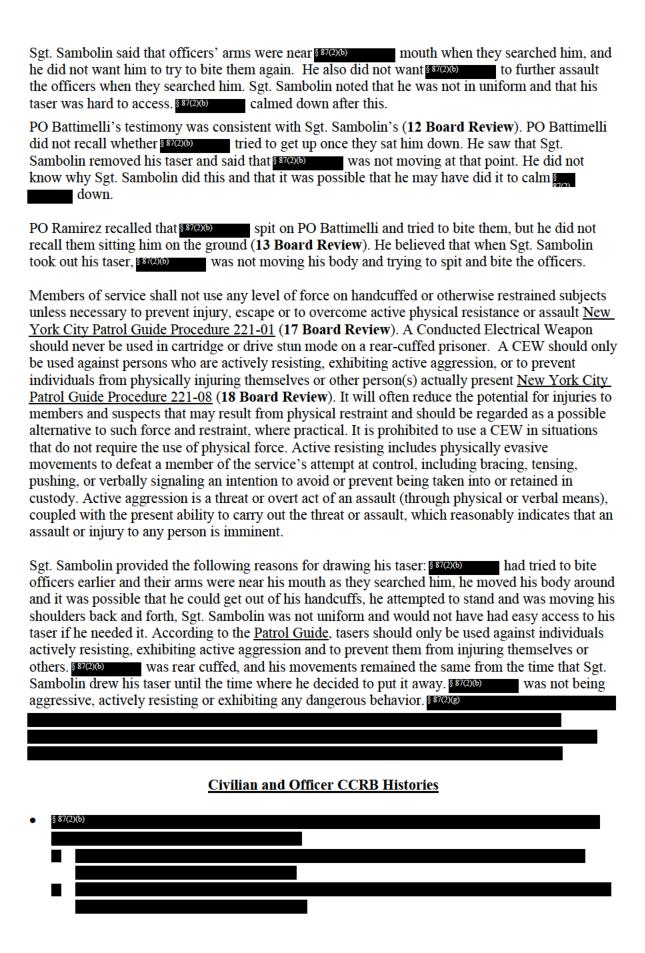




also showed that before fell to the ground, PO Battimelli extended his empty hands toward and contacted either side of his body to stop him. said that before he went down, his shoulder popped, and he began feeling pain. The investigation determined that PO Battimelli's take down led to solve broken clavicle, though it is unclear how PO Battimelli's actions could have led to this injury.
testified that as he was on the ground, he felt people kicking him. The BWC footage showed that the only people around him while he was on the ground were the officers. The BWC does not show all the officers' feet as they arrive at strong but very soon after they arrive, the angles show officers in positions which would not have allowed them to kick strong and the officers denied kicking him. Strong could not identify who kicked him and neither the footage nor officers' testimony were helpful in determining which officer (s) would have been the subject of this allegation if it did occur.
testified that the portion of the incident where he was being handcuffed was a blur to him. He noted that he could not recall what movements his body was making but believed that he could not move because officers had him pinned down. All the officers testified that some moved his hands and body around to avoid being handcuffed. The footage shows that PO Battimelli turned body from upward to downward, but it does not show any other movements from and it did not show his hands until they are behind his back being placed in handcuffs. The footage shows that all three officers assisted with getting some hands behind his back and that it took them approximately 23 seconds to place him in handcuffs.
MOS will use only the reasonable force necessary to gain control or custody of a subject. Officers should consider the nature and severity of the crime/circumstances, actions taken by the subject, duration of the action, immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight, number of subjects in comparison to the number of MOS, size, age, and condition of the subject in comparison to the MOS, subject's violent history, if known, presence of hostile crowd or agitators, subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence New York City Patrol Guide Procedure 221-01 (17 Board Review). Sitting, kneeling, or standing on the chest or back of a subject in a manner that compresses the diaphragm, thereby reducing the subject's ability to breathe is prohibited.
Sgt. Sambolin said that he used his shin to place it over shows shoulder to control his arms so that they could handcuff him. He also noted that he did it quickly and that he did not apply pressure. The BWC footage shows that Sgt. Sambolin had his knee on the right side of upper back for approximately five seconds and that at one point, the leg which he said held his weight was off the ground, leaving him to apply 260 pounds to show back.



CCRB Case # 202202837



- Sgt. Sambolin has been a member of service for 16 years and has been a subject in 20 other CCRB complaints and 48 other allegations, three of which were substantiated.
 - Case 200801475 involved substantiated allegations of a vehicle stop and discourteous action against Sgt. Sambolin. The Board recommended charges and the NYPD imposed 25 days of vacation.
 - Case 201507834 involved a substantiated allegation of a vehicle search against Sgt.
 Sambolin. The Board recommended command discipline B and the NYPD has not imposed any discipline.
 - Case 200806906 involved an allegation of physical force against Sgt. Sambolin and it was closed as exonerated.
 - Case 200906024 involved an allegation of a threat of force against Sgt. Sambolin and it was closed as complainant uncooperative.
 - Case 201009309 involved allegation of physical force and one allegation of a gun as a club against Sgt. Sambolin, both of which were closed as alleged victim uncooperative.
 - Case 201014395 involved an allegation of physical force an allegation of threat of force which were closed as exonerated.
 - Case 201102296 involved an allegation of physical force which was closed as complaint withdrawn.
 - Case 201102343 involved an allegation of physical force against Sgt. Sambolin and was closed as complainant unavailable.
 - Case 201311753 involved an allegation of a nightstick as a club and an allegation of physical force against Sgt. Sambolin which were closed as exonerated.
 - Case 201404729 involved an allegation of force with a vehicle against Sgt. Sambolin which was closed as unsubstantiated.
 - Case 201504268 involved an allegation of physical force and an allegation of pepper spray which were closes as alleged victim unavailable.
 - PO Battimelli has been a member of service for three years and has been a subject in one other CCRB complaint, to date this complaint is still active.

Mediation, Civil, and Criminal Histories

• This complaint was not suitable for mediation.

§ 87(2)(g)

 On February 14, 2023, the investigator inquired about whether a NOC was filed with the New York City Office of the Comptroller regarding this incident and the results will be added to the case file upon receipt (20 Board Review).

● [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]		
Squad: 6		
Investigator: <u>Tileyah Williams</u> Signature	SI Tileyah Williams Print Title & Name	02/15/2023 Date
Squad Leader: <u>Jessica Peña</u> Signature	IM Jessica Peña Print Title & Name	

Reviewer:			
	Signature	Print Title & Name	Date